



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,375	04/15/2004	Ariel S. Pfeffer-Slobodinsky	112701-574	6619
29157	7590	06/06/2007	EXAMINER	
BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690			VU, JAKE MINH	
		ART UNIT	PAPER NUMBER	
		1618		
		NOTIFICATION DATE	DELIVERY MODE	
		06/06/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary	Application No.	Applicant(s)
	10/824,375	PFEFFER-SLOBODINSKY, ARIEL S.
	Examiner	Art Unit
	Jake M. Vu	1618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 March 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 22,23,28-36 and 38-44 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 22, 23, 28-36, 38-44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Receipt is acknowledged of Applicant's Amendment filed on 03/15/2007.

- Claim 22 has been amended.
- Claims 1-21 have previously been cancelled. Claims 24-27 and 37 have been cancelled.
- Claims 22, 23, 28-36, 38-44 are pending in the instant application.

Double Patenting

Claims 22, 23, 28-36, 38-44 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending Application No. 10/444,739 **are maintained** for reasons of record in the previous office action filed on 11/01/2006.

Claim Objections

Claims 22 and 38 are objected to because of the following informalities: these claims recite "laury" and "keostearylic", while the parent application recites "lauryl" and "cetostearylic". The Examiner assumes these are typographical error. Appropriate correction is required. Please clarify.

Claim Rejections - 35 USC § 102

Claims 22, 28, 29-32, 35, and 36 rejected under 35 U.S.C. 102(b) as being anticipated by SMITH (US 5,958,394) **are withdrawn** in view of Applicant's amendment filed on 03/15/2007.

Claims 22, 28, 29-32, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by NEUBAUER (US 6,039,937) **are withdrawn** in view of Applicant's amendment filed on 03/15/2007.

Claim Rejections - 35 USC § 103

Claims 22, 23, 28-36 rejected under 35 U.S.C. 103(a) as being unpatentable over SMITH (cited supra) or NEUBAUER (cited supra) in view of ENDRIS et al (US 6,660,768) and DEWAR et al (US 4,157,977) **are withdrawn** in view of Applicant's amendment filed on 03/15/2007.

However, upon further consideration, a new ground(s) of rejection is made as discussed below.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 23, 28-36, 38-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHLENOFF (*Corrosion: just say no.* June 2002) in view of GOLDBERG et al (4,526,781), HARADA et al (5,686,066), CHEN et al (6,136,884), SANCHEZ (US 5,405,609) and AGA et al (5,922,324).

Applicant's claims are directed to a method of preserving the cutting edge of a utensil comprising the steps of preparing an emulsion that includes: sodium sulphate lauryl ether; soap base; ketostearlylic alcohol; cetyltrimethyl ammonium chloride; anhydrous lanolin; glycerin and triethanolamine, then immersing the cutting edge of the utensil in the emulsion.

SCHLENOFF disclosed polymers in shampoo protect metals from corrosion, wherein well-known manufacturer of disposable razors are seeking this technology to improve their stainless steel products.

SCHLENOFF does not disclose the ingredients in shampoo as claimed by Applicant, such as sodium sulphate lauryl ether; soap base; ketostearlylic alcohol; cetyltrimethyl ammonium chloride; anhydrous lanolin; glycerin; triethanolamine, propylene glycol, aloe vera, propolis extract, preservatives, color, and water.

GOLDBERG disclosed a hair care composition comprising of: sodium sulfate lauryl ether (see col. 2, line 60 and col. 3, Example 1); a hydrophobic substance, such as hydrogenated tallow, which is a soap base (see col. 3, Example 1); an alcohol, such as cetostearlylic alcohol (see col. 5, Example 8). Additional disclosures include: cetyl trimethyl ammonium chloride (see col. 4, Example 5); lanolin (see col. 5, line 67); glycerin (see col. 6, line 33); preservatives, color, water (see col. 3, Example 1).

HARADA disclosed a hair care composition comprised of: a water-soluble salt of an ether compound, such as sodium sulfate lauryl ether; a hydrophobic substance, such as glycerin; an alcohol, such as triethanolamine (see col. 59, Example 4-2 and col. 26, line 13). Additional disclosures include: methyl paraben (see col. 57, line 32 and col. 26, line 12); lanolin, glycerin (see col. 31, line 55-62); propylene glycol (col. 27, line 24); plant extracts, perfume, colorants (see col. 26, line 16).

CHEN disclosed a hair care composition comprised of: soya oil (see col. 11, line 19); preservatives such as propyl paraben (see col. 12, line 5); thickeners such as cetearyl alcohol (see col. 12, line 9); emulsifiers such as cetyl trimethyl ammonium chloride (see col. 12, line 2); soap base such as hydrogenated tallow (see col. 12, line 4); pH adjusters such as triethanolamine (see col. 12, line 12).

SANCHEZ disclosed using aloe vera extract in hair care composition was well known in the art.

AGA disclosed using propolis extract in hair care composition was well known in the art (see col. 5, line 10-17).

It would have been obvious to the person of ordinary skill in the art at the time the invention was made to incorporate triethanolamine, propylene glycol, aloe vera and propolis extract into GOLDBERG's composition. The person of ordinary skill in the art would have been motivated to make those modifications and reasonably would have expected success because these ingredients are commonly used in the subject matter of hair care products.

The references do not specifically teach adding the ingredients in the amounts claimed by Applicant. The amount of a specific ingredient in a composition is clearly a result effective parameter that a person of ordinary skill in the art would routinely optimize. Optimization of parameters is a routine practice that would be obvious for a person of ordinary skill in the art to employ and reasonably would expect success. It would have been customary for an artisan of ordinary skill to determine the optimal amount of each ingredient to add in order to best achieve the desired results. Thus, absent some demonstration of unexpected results from the claimed parameters, this optimization of ingredient amount would have been obvious at the time of Applicant's invention.

Telephonic Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jake M. Vu whose telephone number is (571) 272-8148. The examiner can normally be reached on Mon-Fri 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jake M. Vu, PharmD, JD
Art Unit 1618



MICHAEL G. HARTLEY
SUPERVISORY PATENT EXAMINER